Application No.: 10/815,054
Docket No.: UC0419USNA

Remarks

Status of the Application

Claims 1-22 are pending. Independent Claims 1 and 18 are amended. New independent Claim 22 is added to protect an invention of interest, and is based on Claim 18, step (c).

Overview

As an initial matter, Applicants refer the Examiner to the specification, where it states: "the term 'non-aqueous' refers to a liquid medium that has a significant portion of an organic liquid, and in one embodiment it is at least about 60% by weight of organic liquid." *Applicant's specification* at page 2, lines 32-35.

While the previous rejections are moot by amendment, Applicants are troubled by the Office action's failure to give weight to the limitations of "**non-aqueous dispersion**" found in independent Claims 1 and 18. For example, the first reference the Office action cites specifically states "***Aqueous*** solutions/dispersions." *Office Action* at page 2, last line (emphasis added). Such a reference is not properly applied in a rejection to the claims even before amendment, at least in the context of anticipation.

Nevertheless, the Applicants have amended Claim 1 to recite " a non-aqueous dispersion having less than 40% by weight water" and have amended Claim 18 to recite "wherein said non-aqueous dispersion of a conductive polymer comprises less than 40% by weight water" to underscore the "non-aqueous dispersion" portion of the claim. This finds support, *inter alia*, at page 12, lines 22-24, of Applicants' specification. Applicants trust that future Office Actions will cite art that is more applicable to the claimed invention, and not merely those that use similar keywords.

Anticipation Not Established

Though now moot by amendment, the twelve different anticipation rejections of Claims 1-21 were all improper, as the Examiner failed to meet the "non-aqueous dispersion" portion of independent Claims 1 and 18, as discussed above.

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Double Patenting Not Established

Though now moot by amendment, the six different obviousness-type double patenting rejections of Claims 1-21 were all improper. At MPEP §804, the Office requires that:

> Any obviousness-type double patenting rejection **should make clear**:
>
> (A) The differences between the inventions defined by the conflicting claims - a claim in the patent compared to a claim in the application; and
>
> (B) The reasons why a person of ordinary skill in the art would conclude that the invention defined in the claim at issue is anticipated by, or would have been an obvious variation of, the invention defined in a claim in the patent.

Id (emphasis added). A conclusory statement in the Office Action that "they are not patentably distinct from each other because the instant claims more broadly describe the possible selection of various conductive polymers ..." is not a proper showing of obviousness-type double patenting. Applicants submit that the showing is even less proper when precisely the same one-line conclusion serves as the only analysis for all six rejections. Accordingly, Applicants submit that the Examiner has failed to follow the Office's requirements, and thus failed to establish a proper rejection of obviousness-type double patenting.

Conclusion

The rejections should be explained if they are to be reapplied to the pending claims. Applicants respectfully solicit a notice of allowance. Should the Examiner have questions, the Examiner is invited to call the undersigned at the telephone number listed below.

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